

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, March 13, 2001

APPLICATION OF

ZEPHION NETWORKS COMMUNICATIONS
OF VIRGINIA, INC. f/k/a

DOMINO NETWORKS COMMUNICATIONS
OF VIRGINIA, INC.

CASE NO. PUC010003

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

AMENDED ORDER FOR NOTICE AND HEARING

On February 2, 2001, Domino Networks Communications of Virginia, Inc. ("Applicant" or "Domino") completed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

On March 2, 2001, the Commission issued an Order for Notice and Hearing which identified Applicant as Domino Networks Communications of Virginia, Inc. However, the Commission notes that on February 16, 2001, counsel for Domino filed with the

Clerk of the Commission notice of its name change to Zephion Networks Communications of Virginia, Inc. Therefore, the Commission finds that notice must be given of the application under both names. Accordingly, the caption of this Case is amended as shown above, and the Order for Notice and Hearing is now amended to direct Applicant ("Zephion") to publish notice reflecting both its current and former names.

NOW UPON CONSIDERATION of the application and amendment, the Commission is of the opinion and finds that Zephion should give notice to the public of its amended application; that the Commission Staff should conduct an investigation into the reasonableness of the amended application and present its findings in a Staff Report; that a public hearing should be convened to receive evidence relevant to Zephion's amended application for a certificate to provide local exchange telecommunications services; and, if substantive objections are received, evidence shall be received at the public hearing with regard to Zephion's amended application for a certificate to provide interexchange telecommunications services.

Accordingly, IT IS ORDERED THAT:

(1) This case shall remain docketed as Case No. PUC010003, and the caption shall be amended as shown above.

(2) A public hearing for the purpose of receiving evidence relevant to Zephion's application for a certificate to provide

local exchange telecommunications services is scheduled for May 22, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to Zephion's application for a certificate to provide interexchange telecommunications services are received on or before April 30, 2001, the Commission will also hear evidence on this issue at the May 22, 2001, public hearing. If no such substantive objections are received on or before April 30, 2001, the Commission may grant Zephion's requested certificate to provide interexchange telecommunications services without conducting a hearing.

(3) On or before April 4, 2001, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
ZEPHION NETWORKS COMMUNICATIONS OF VIRGINIA,
INC. f/k/a DOMINO NETWORKS COMMUNICATIONS OF
VIRGINIA, INC. FOR CERTIFICATES OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES THROUGHOUT THE
COMMONWEALTH OF VIRGINIA
CASE NO. PUC010003

On February 2, 2001, Zephion Networks
Communications of Virginia, Inc. f/k/a Domino
Networks Communications of Virginia,

Inc. ("Zephion" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing will be convened on May 22, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to Zephion's application for a certificate to provide local exchange telecommunications services. The Commission will hear evidence on Zephion's application for a certificate to provide interexchange telecommunications services at the May 22, 2001, public hearing only if substantive objections to this portion of the application are filed on or before April 30, 2001. If no such substantive objections are received, the Commission may grant the certificate to provide interexchange telecommunications services without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from Russell M. Blau, Esquire, or Michael J. Mendelson, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007.

Any person desiring to comment in writing on Zephion's application for certificates to provide local exchange telecommunications services or interexchange

telecommunications services may do so by directing such comments on or before April 30, 2001, to the Clerk of the Commission at the address set out below. Any person desiring to make a statement at the public hearing concerning Zephion's application for a certificate to provide local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Commission Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Zephion's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC010003.

ZEPHION NETWORKS COMMUNICATIONS OF VIRGINIA, INC.

(4) On or before April 4, 2001, Applicant shall provide a copy of the notice contained in ordering paragraph (3) to each local exchange telephone carrier certificated in Virginia and

each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before May 2, 2001, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(6) On or before April 4, 2001, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(7) On or before April 30, 2001, any person desiring to participate as a Protester as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on Russell M. Blau, Esquire and Michael J. Mendelson, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K. Street, N.W., Suite 300, Washington, D.C. 20007.

(8) On or before April 30, 2001, any person wishing to lodge an objection to Zephion's application for a certificate to

provide interexchange telecommunications services shall file an original and fifteen (15) copies of its objection in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC010003 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the May 22, 2001, public hearing.

(9) Any person desiring to comment in writing on Zephion's application for a certificate to provide interexchange telecommunications services may do so by directing such comments on or before April 30, 2001, to the Clerk of the Commission at the address set forth above. Written comments must refer to Case No. PUC010003.

(10) Any person desiring to comment in writing on Zephion's application for a certificate to provide local exchange telecommunications services may do so by directing such comments on or before April 30, 2001, to the Clerk of the Commission at the address set out above. Comments must refer to Case No. PUC010003. Any person desiring to make a statement at the public hearing concerning the application for a certificate for local exchange telecommunications services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the

day of the hearing and identify himself or herself to the Bailiff as a public witness.

(11) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before May 4, 2001, an original and fifteen (15) copies of its Protest, referring to Case No. PUC010003, and shall on the same day mail a copy thereof to Zephion's counsel at the address identified above and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8 of the Commission's Rules.

(12) On or before May 4, 2001, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing and shall on the same day mail a copy of the same to Zephion's counsel and other Protestants. Service upon Zephion shall be made at the address set forth above.

(13) The Commission Staff shall analyze the reasonableness of Zephion's application and present its findings in a Staff Report to be filed on or before May 11, 2001.

(14) On or before May 11, 2001, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Protestant.

(15) On or before May 16, 2001, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(16) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants, and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.